

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Panchayats –Gram Panchayat - Appeal Petition filed by Smt.B.Suseela, Sarpanch (Removed), Dharmavarappadu Thanda Gram Panchayat, Jagaiahpetta Mandal, Krishna District - Against the Proceedings of District Collector (PW), Krishna District, dt.25.06.2010 – Disallowed – Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O.Rt.No.. 1705

Dated:22-11-2010.

Read the following:-

1. From the District Collector, Krishna District , Roc. No.2042/2008, Pts.III, dt.25.06.2010.
2. Appeal Petition filed by Smt.B.Suseela, Sarpanch (Removed), Dharmavarappadu Thanda Gram Panchayat, Jagaiahpetta Mandal, Krishna District, dt. 07.07.2010.
3. Govt. Memo. No.15312/PTS.II-A2/10-1, dt..9.07.2010.
4. From the District Collector (PW) Krishna, Machilipatnam, Roc.No. 2042/08 Pts.3 dt. 25.08.2010.

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ORDER:

In the reference 1st read above, the District Collector, Krishan District has removed to Smt. B. Suseela, from the post of Sarpanch ,Dharmavarappadu Thanda Gram Panchayat, Jagaiahpetta Mandal, Krishna District under Section 249 (1) of APPR Act 1994 for misappropriation of Gram Panchayat funds.

2. In the reference 2nd read above, Aggrieved by the said orders, Smt.B.Suseela, Sarpanch (Removed), Dharmavarappadu Thanda Gram Panchayat, Jagaiahpetta Mandal, Krishna District has filed an Appeal Petition before the Government requesting to stay the proceedings of the orders of District Collector, Krishna bearing Roc.No. 2042/2008, Pts. 3, dt. 25.06.2010.

3. In the reference 3rd read above, Government has granted stay against the Proceedings of District Collector (PW), Krishna District by calling his remarks on the Appeal Petition.

4. In the reference 4th read above, the District Collector (PW) Krishna District has reported that the Upa-Sarpanch of Dharmavarapadu Thanda Gram Panchayat of Jaggaiahpetta (M) was submitted a petition to the District Panchayat Officer, Krishna, Machilipatanm duly extending specific allegations of the misconduct against Smt. B. Suseela, Sarpanch, Dharamvarapadu Thanda Gram Panchayat of Jaggaiahpetta (M) in her role as Sarpanch involving grave financial irregularities. By way of follow up on the enquiry report submitted by the Divisional Panchayat Officer, Vijayawada dt. 6-10-2008, a show cause notice was issued to Smt. B. Suseela, Sarpanch directing her to file her reply to the Show Cause notice. In response to the Show Cause notice. She filed her reply and the same was referred to the District Panchayat Officer, Vijayawada for verification on the contents of the reply. The Divisional Panchayat officer, Vijayawada while submitting his verification report has stated that inter-alia that the irregularities noticed were procedural in nature. The report of the Divisional Panchayat Officer, Vijayawada was considered to perfunctory.

5. The Upa-Sarpanch has filed a complaint before the Hon'ble Lokyuktha A.P. Hyderabad. Based on the complaint the accounts of the Gram Panchayat was referred to the State Audit department. The special audit report submitted by the District Audit Officer State Audit Krishna, Machilipatnam goes to establish that there were instances of misappropriation of funds of Gram Panchayat by the Sarpanch Smt. B.Suseela involving an amount of Rs. 83,317/- in the aggregate and taking into consideration, the special audit report submitted by the District Audit Officer, State Audit, Krishna, Machilipatnam a notice was issued to Smt. B. Suseela Sarpanch,

Dharmavarampadu Thanda Gram Panchayat of Jaggaiahpet (M) directing her to refund an amount of Rs. 83,317/- as it was misappropriated vide this officer notice Roc.No. 2042/2008, Pts.3 dt. 26.2.2010. She submitted a plea seeking conduct of fresh audit of the accounts of the Gram Panchayat instead of repaying the misappropriated amount as directed.

6. The Sarpanch was afforded an opportunity to appear in person before the Collector (PW) Krishna, Machilipatnam for making oral representation if any or by filing written brief by way of defence as a preliminary for launching on further action. She availed her self opportunity by putting in her appearance before the Collector and chose to handover a carbon copy of the reply already submitted by her which contains denial of allegations of the misappropriation of funds of the Gram Panchayat. As the plea was not tenable by way of further process the proceedings initiated against here were finalized culminating in removal of the Sarpanch from the post of Sarpanch on grounds of misconduct, simultaneously by way of further follow up the Extension Officer (PR&RD) Jaggaiahpet was instructed to file a criminal complaint against the Sarpanch in relation to misappropriation of funds of the Gram Panchayat besides authorizing the Extension Officer (PR&RD) Jaggaiahpet to initiate action for recovery of misappropriated amount with in the frame work of Revenue Recovery Act vide this office proceedings Roc.No. 2042/09 Pts.3, dt. 25.06.2010.

7. Finally the District Collector (PW) Krishna District has recommended to reject the appeal Petition filed by Smt. B. Suseela, Sarpanch (Removed) Dharmavarampadu Thanda Gram Panchayat of Jaggaiahpet (M).

8. The case was posted for hearing on 11.10.2010. The request of the Appeal Petitioner for rectifying the defects and for engaging Advocate has been considered during the hearing. The case was again heard on 29.10.2010. The District Panchayat Officer, Krishna and the petitioner has attended to the hearing.

9. During the hearing and after gone through the records including the charges against the Appeal Petitioner it has observed that the Sarpanch has not taken any steps to rectify the defects pointed out in spite of granting time to her. After going through the records and after hearing the Sarpanch, it is decided not to consider the case as it is not a fit case to interfere with the orders of the Collector. Hence the Appeal Petition filed by Smt. B. Suseela, Sarpanch (Removed), Dharmavarappadu Thanda Gram Panchayat, Jaggaiahpet Mandal, Krishna District, is hereby disallowed duly vacating the stay orders issued in the Govt. Memo., dt.09.07.2010.

10. The District Collector (PW), Krishna District shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.V.P.C. SASTRY
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The District Collector (PW) Krishna District.
The District Panchayat Officer, Krishna District.

Copy to:

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.
Smt. B. Suseela, Sarpanch (Removed), Dharmavarappadu Thanda Gram Panchayat, Jaggaiahpet Mandal, Krishna District,
The P.S. to Hon'ble Minister (PR).
The P.S. to Prl. Secretary to Government,
The Deputy Registrar, Institution of Andhra Pradesh Lokayukta,
Basheerbagh, Hyderabad.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER